

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,</b>	)	
	)	
	)	<b>CIVIL ACTION NO.</b>
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b><u>COMPLAINT</u></b>
	)	
<b>ILLINI PRECAST, LLC,</b>	)	
	)	
	)	<b><u>JURY TRIAL DEMAND</u></b>
<b>Defendant.</b>	)	
	)	

**NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct an unlawful employment practice on the basis of sex, and to provide appropriate relief to Jennifer O’Neal. As stated more fully below, Illini Precast, LLC (“Defendant”) did not hire O’Neal due to her sex.

**JURISDICTION AND VENUE**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3) (“Title VII”) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practice alleged to be unlawful was, and is now being, committed within the jurisdiction of the United States District Court for the Northern District of Illinois, Eastern Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the “Commission”), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. “§§ 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant has continuously been an Illinois corporation doing business in the State of Illinois and the cities of Marseille and Westchester, and has continuously had at least 15 employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Jennifer O’Neal filed a charge with the Commission alleging violations of Title VII by Defendant.

7. The Commission sent Defendant a letter dated August 18, 2011 informing Defendant that the Commission found reasonable cause to believe that Respondent (Illini Precast) discriminated against Charging Party (O’Neal) when it did not hire her.

8. The Commission’s letter of August 18, 2011 invited Defendant to participate in informal conciliation.

9. The Commission sent Defendant a letter dated February 16, 2012 stating that further conciliation efforts would be futile or non-productive.

10. All conditions precedent to the institution of this lawsuit have been fulfilled.

11. Since at least on or about October 1, 2008, Defendant has engaged in an unlawful employment practice at its Illinois facilities, in violation of Section 703(a)(1) and of Title VII, 42

U.S.C. § 2000e-2(a)(1). This practice consisted of failing or refusing to hire Jennifer O'Neal into a production / general laborer position at its Marseille, Illinois facility because of her sex.

12. The effect of the practice complained of in paragraph eleven (11) above has been to deprive Jennifer O'Neal of equal employment opportunities and otherwise adversely affect her status as an applicant for employment because of her sex.

13. The unlawful employment practice complained of in paragraph eleven (11) above was and is intentional.

14. The unlawful employment practice complained of in paragraph eleven (11) above is and was done with malice or with reckless indifference to the federally protected rights of Jennifer O'Neal.

#### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, from engaging in sex discrimination in hiring.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for Jennifer O'Neal, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Jennifer O'Neal by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to the rightful place hiring, or award of front pay and/or future lost earnings in lieu thereof.

D. Order Defendant to make whole Jennifer O'Neal by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph eleven (11) above, including but not limited to job search expenses and medical expenses which would have been paid by Defendant's employee benefit plan, if any, in amounts to be determined at trial.

E. Order Defendant to make whole Jennifer O'Neal by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph eleven (11) above, including but not limited to emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendant to pay Jennifer O'Neal punitive damages for its malicious and reckless conduct described in paragraph eleven (11) above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

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